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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,264	12/28/2001	Kimitaka Murashita	826.1779	2737

21171 7590 11/18/2005  
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EXAMINER

ROGERS, SCOTT A

ART UNIT PAPER NUMBER

2627

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/028,264	MURASHITA, KIMITAKA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Scott A. Rogers	2627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 August 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 8-27 and 31-35 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-7, 29 and 36-39 is/are allowed.
- 6) ☒ Claim(s) 1-4, 28 and 30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

### ***Election/Restrictions***

This application contains claims 8-27 and 31-35 drawn to an invention nonelected with traverse. The reply to the final rejection did not include cancellation of the nonelected claims or other appropriate action as required by 37 CFR 1.144 (See MPEP § 821.01). However, since the finality of that rejection is now withdrawn, this requirement is for now removed.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, 28, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Akioka et al (US 6130961) in view of Bohan et al (US 5371537).

Referring to claims 1 and 28:

Akioka et al disclose a display measuring method and device for measuring a display characteristic of an electronic display, comprising displaying a specific color patch on the electronic display and measuring a color of the color patch displayed on the electronic display (see col. 7, line 66 to col. 9, line 18).

Akioka et al do not specifically disclose counting a time that elapses after a color patch is displayed on the electronic display wherein the color patch is measured when the time that elapses after the color patch is displayed reaches a specific pre-determined time. However, Akioka gives pause to determine whether the color patch on the display has been measured.

Bohan et al disclose that for correct calibration of an electronic display (i.e., a CRT monitor), before any screen measurements are taken, the electronic display should be allowed sufficient time to warm up (see col. 5, lines 53-55).

It would have been obvious to one of ordinary skill in the prior art, in view of the teaching in Bohan et al, to have included in Akioka et al, during the pausing to determine whether the color patch on the electronic display has been measured, the step of counting a time that elapses after the color patch is displayed wherein the color patch is measured when the time that elapses after the color patch is displayed reaches

a specific pre-determined time, thereby allowing correct calibration or adjustment of the electronic display to match the desired measured display value.

Referring to claims 3 and 30:

Akioka et al disclose a display measuring method and device for measuring a display characteristic of a display, comprising displaying an image on a display before a color patch starts to be measured, displaying a specific color patch on the display after displaying said image, and measuring a color of the specific color patch displayed on the display (see col. 7, line 66 to col. 9, line 18 where the image displayed on the monitor before displaying the color patch is the black image in steps T1-T2).

Akioka et al do not specifically disclose counting a time that elapses after displaying an image on the display before displaying a color patch on the display, wherein when a specific time elapses after the image is displayed, the specific color patch is displayed and a measurement is started.

Bohan et al disclose that for correct calibration of an electronic display (i.e., a CRT monitor), before any screen measurements are taken, the electronic display should be allowed sufficient time to warm up (see col. 5, lines 53-55).

It would have been obvious to one of ordinary skill in the prior art, in view of the teaching in Bohan et al, to have included in Akioka et al, between displaying a black image and displaying a color patch on the display, counting a time that elapses after displaying the black image before displaying the color patch, wherein when a specific time elapses after the black image is displayed, the specific color patch is displayed and

a measurement is started, in order to allow correct calibration or adjustment of the display to match the desired measured display value.

Referring to claim 4:

Akioka et al disclose a display measuring method for measuring a display characteristic of a display, comprising displaying a color patch.

Akioka et al do not disclose counting a prescribed time after the power of a display is switched on and displaying the color patch after the prescribed time elapses.

Bohan et al disclose that for correct calibration of an electronic display (i.e., a CRT monitor), before any screen measurements are taken, the electronic display should be allowed sufficient time to warm up (see col. 5, lines 53-55).

It would have been obvious to one of ordinary skill in the prior art, in view of the teaching in Bohan et al, to have included in Akioka et al, counting a prescribed time after the power of a display is switched on and displaying the color patch after the prescribed time elapses, thereby allowing correct calibration or adjustment of the display to match the desired measured display value.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 28:

On the last two lines of these claims, the language “after the color patch display or “after the color display” is unclear. The language should read ---after the color patch is displayed--- or ---after said color patch is displayed---

In claim 2:

On line 6, there is no clear antecedent basis for “the display” as there are two different display steps. The language should read ---the pre-determined image is displayed--- or ---said pre-determined image is displayed---

In claim 3:

On line 4, the language “the display” is unclear as there are two different display steps. The language should read ---the image is displayed--- or ---said image is displayed---

In claim 4:

On line 4, the language “a prescribed time” should read ---the prescribed time--- or ---said prescribed time---

In claim 28:

On line 7, the language “the color image” is unclear and should read ---the color patch is displayed--- or ---said color patch is displayed---

***Allowable Subject Matter***

Claims 5-7, 29, and 36-39 are allowed for the reasons previously indicated.

***Cited Art***

The art made of record and not relied upon is considered pertinent to applicant's disclosure. Mendelson et al (US 6559826) discloses the feature of warming up a flat panel LCD monitor for several minutes before measuring chromatic characteristics (see col. 12, lines 22-28).

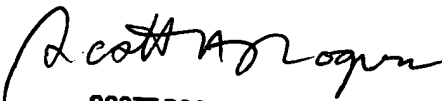
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott A Rogers whose telephone number is 571-272-7467. The examiner can normally be reached Monday through Friday 6:00am-2:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached at 571-272-7471.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC2600 Customer Service at 571-272-2600. Official correspondence by facsimile should be sent to 571-273-8300. The USPTO contact Center phone numbers are 800-PTO-9199.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

16 November 2005

  
SCOTT ROGERS  
PRIMARY EXAMINER